

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-10400-JKS
JOHN ROTHENBERGER Jr. Judge: JOHN K. SHERWOOD
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: March 28, 2019
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: ADW Initial Debtor: JRjr Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee, starting on _____ for approximately _____ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 26 Ridgewood Avenue, Glen Ridge, New Jersey 07028

Proposed date for completion: October 31, 2019

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Creditor	Type of Priority	Claim Amount	Amount to be Paid
NONE	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Mr. Cooper	1st mortgage secured to real property located at 26 Ridgewood Avenue, Glen Ridge, New Jersey 07028	\$175,000.00	N/A	\$7,500.00 remainder of arrears to be cured upon negotiation and execution of permanent loan modification agreement	Pursuant to loss mitigation program guidelines, 60 percent of principal and interest plus taxes and insurance

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☒ **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☐ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 100.00 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Avram D. White, Counsel to the Debtor
- 3) Mr. Cooper
- 4) Unsecured Creditors

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: February 7, 2019.

Explain below **why** the plan is being modified:

To provide 100 percent dividend to unsecured creditors. Debtor has non exempt equity in the property

Explain below **how** the plan is being modified:

Part 5 a of the plan changed from pro rate to 100 percent.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: March 28, 2019

/s/ John Rothenberger, Jr.
Debtor

Date: _____

Joint Debtor

Date: March 28, 2019

/s/ Avram D. White, Esq.
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
John Rothenberger, Jr.
DebtorCase No. 19-10400-JKS
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 40

Date Rcvd: Mar 29, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 31, 2019.

db +John Rothenberger, Jr., 26 Ridgewood Avenue, Glen Ridge, NJ 07028-1012
 cr +U.S. BANK NATIONAL ASSOCIATION, RAS Crane, LLC, 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461
 517958215 +CBNA, Po Box 6497, Sioux Falls, SD 57117-6497
 517958218 ++CITIBANK, PO BOX 6043, SIOUX FALLS SD 57117-6043
 (address filed with court: Citibank, N.A., 7930 NW 110th St., Kansas City, MO 64153)
 517958207 +Capital One, PO Box 98873, Las Vegas, NV 89193-8873
 517958217 Citibank, PO Box 8015, South Hackensack, NJ 07606-8015
 517958216 +Citibank, PO Box 6500, Sioux Falls, SD 57117-6500
 517958219 +Citifinancial, PO Box 6931, The Lakes, NV 88901-0001
 517958222 Credit One Bank, PO Box 98672, Las Vegas, NV 89193-8672
 517958225 Elan Financial Service, Ch Disputes, Saint Louis, MO 63166
 517958226 +Mr. Cooper, PO Box 650783, Dallas, TX 75265-0783
 517958227 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, LLC, PO Box 299008, Lewisville, TX 75029)
 517958229 +Omega RMS, 7505 W Tiffany Springs Parkway, Kansas City, MO 64153-1313
 517960760 +Orion, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 518071379 +R.V.Ballem MD FACS., c/o: Pressler, Felt & Warshaw, LLP., 7 Entin Road, Parsippany NJ 07054-5020
 517958230 +SPS, 10401 Deerwood Park Blvd, Jacksonville, FL 32256-5007
 518009939 +U.S. BANK NATIONAL ASSOCIATION, RAS Crane, LLC, 10700 Abbott's Bridge Road, Suite 170, Duluth, GA 30097-8461
 518121109 +U.S. BANK NATIONAL ASSOCIATION, Nationstar Mortgage LLC d/b/a Mr. Cooper, ATTN: Bankruptcy Dept, PO Box 619096, Dallas TX 75261-9096
 517958237 +Waypoint Resource Grou, Po Box 8588, Round Rock, TX 78683-8588

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 30 2019 00:30:51 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Mar 30 2019 00:30:48 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 30 2019 00:39:48 Orion, c/o PRA Receivables Management LLC, POB 41021, Norfolk, VA 23541-1021
 517958212 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 00:40:24 Capital One Bank USA NA, 15000 Capital One Drive, PO # EPUS2-0000473587, Henrico, VA 23238
 517958208 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 00:39:48 Capital One, PO Box 85547, Richmond, VA 23285-5547
 518044955 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 30 2019 00:39:22 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 517958209 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 00:40:24 Capital One Bank USA, 10700 Capital One Way, Glen Allen, VA 23060-9243
 517958211 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 00:39:45 Capital One Bank USA NA, PO Box 30281, Salt Lake City, UT 84130-0281
 517958210 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 00:39:13 Capital One Bank Usa N.A., PO Box 30281, Salt Lake City, UT 84130-0281
 517958213 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 00:39:46 Capital One Bank, N.A., PO Box 30281, Salt Lake City, UT 84130-0281
 517958214 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 00:39:48 Capital One Bank, N.A., PO Box 30285, Salt Lake City, UT 84130-0285
 517958220 +E-mail/PDF: creditonebknofications@resurgent.com Mar 30 2019 00:39:19 Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
 517958224 +E-mail/PDF: creditonebknofications@resurgent.com Mar 30 2019 00:39:53 Credit One Bank NA, PO Box 98875, Las Vegas, NV 89193-8875
 518119646 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 30 2019 00:39:48 Portfolio Recovery Associates, LLC, c/o Wawa,inc, POB 41067, Norfolk VA 23541
 517958232 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Mar 30 2019 00:29:23 Verizon, 500 Technology Drive Ste 30, Weldon Spring, MO 63304-2225
 517958233 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Mar 30 2019 00:29:23 Verizon, PO Box 28002, Lehigh Valley, PA 18002-8002
 518072693 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 30 2019 00:40:38 Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 517958231 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Mar 30 2019 00:29:23 Verizon, 500 Technology Dr, Weldon Spring, MO 63304-2225
 517958234 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Mar 30 2019 00:29:23 Verizon New Jersey Inc, PO Box 3397, Bloomington, IL 61702-3397
 517958236 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Mar 30 2019 00:29:24 Verizon Wireless, PO Box 489, Newark, NJ 07101-0489
 517958235 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Mar 30 2019 00:29:23 Verizon Wireless, 2000 Corporate Drive, Orangeburg, NY 10962-2624

TOTAL: 21

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 40

Date Rcvd: Mar 29, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517958228	None		
517958221*	+Credit One Bank,	PO Box 98873,	Las Vegas, NV 89193-8873
517958223*	Credit One Bank,	PO Box 98873,	Las Vegas, NV 89193-8873

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 31, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 29, 2019 at the address(es) listed below:

Avram D White on behalf of Debtor John Rothenberger, Jr. clistbk3@gmail.com,
adwlawoffice1@gmail.com;crismateo02@gmail.com;lawworkmorris31@gmail.com;whitear82230@notify.bestc
ase.com
Laura M. Egerman on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor U.S. Bank National Association, as Trustee, for
Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-SD1
rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5